

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

131

CRM-M-7863-2023

Date of decision:14.02.2023

JOHN SINGH

..... petitioner

VS

STATE OF UT CHANDIGARH

.... Respondent

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr.Nikhil Kumar Vashisht, Advocate
for the petitioner

ALOK JAIN, J. :

The present petition under Section 482 Cr.P.C. has been filed praying for setting aside the order dated 27.01.2023 passed by the learned Fast Track Special Court, Chandigarh, whereby the bail/surety bonds of the petitioner have been forfeited to the State, on account of the absence of the petitioner from the proceedings and the warrants of arrest have been issued for 20.03.2023.

Learned counsel for the petitioner submits that the petitioner was present in the Court on the date of hearing, but it was only on account of the instructions given by his counsel that he did not go inside the Court to get his presence marked, more so, in the light of the fact that on last two occasions, the counsel had sought time to cross examine the witnesses, whose examination-in-chief had already been done. He further submits that the petitioner is a poor person and the bail/surety bonds already furnished by him, be renewed.

At this stage, Mr.Yuvraj Singh, Advocate has put in appearance on behalf of Mr.Y.S.Rathore, Addl.P.P.for U.T.Chandigarh and on instructions from SI Mehar Chand, submits that the matter is not proceeding further as the witnesses have been examined-in-chief but no cross examination has been done.

Without commenting upon the merits of the case, the order dated 27.01.2023 passed by the learned Fast Track Special Court, Chandigarh, is hereby set aside.

In the peculiar facts and circumstances of the case and the fact that the petitioner is a poor person, learned Chief Judicial Magistrate/Duty Magistrate, concerned is directed to consider the old bail/surety bonds furnished by the petitioner for releasing him on the concession of bail and proceed with the matter in accordance with law. However, in case the petitioner jumps the bail on any occasion hereinafter, this concession shall not be granted again. This, however, shall be subject to the payment of costs of Rs.10,000/- to be deposited in the account detailed below:

Punjab and Haryana High Court Bar Association
Lawyer's Family Welfare Fund
Account No.41564846387
Bank Name-SBI High Court Branch

(ALOK JAIN)
JUDGE

14.02.2023

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No.